



PATENT
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APPLICANTS : Wolfgang Liedtke, *et al.*

AUG 22 2002

SERIAL NO. : 10/027,828

EXAMINER : Unassigned

TECH CENTER 1600/2900

FILED : October 25, 2001

ART UNIT : 1642

FOR : VR-OAC, AN OSMOTICALLY ACTIVATED CHANNEL
PROTEIN, NUCLEIC ACIDS ENCODING IT, AND USES
THEREOF

Certificate of Mailing Under 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to ASSISTANT COMMISSIONER FOR PATENTS, WASHINGTON, D.C. 20231 on August 15, 2002.

David A. Jackson, Reg. No. 26,742
(Name of Registered Rep.)

Martha Bussanich 8/15/02
(Signature and Date)

PRELIMINARY AMENDMENT

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

Dear Sir:

Prior to the completion of the filing of the subject application, please amend the above identified application as follows:

IN THE SPECIFICATION:

Please insert the Sequence Listing concurrently filed herewith, at the end of the Specification.

Please replace Figure 8 presently on file with Figures 8A-8D submitted herewith.

REMARKS

Applicants have prepared and filed separately herefrom both a paper copy and a computer-readable copy of a Sequence Listing in accordance with 37 C.F.R. §§1.821-1.825.

The above amendment is a direction to insert the Sequence Listing at the end of the Specification after the Abstract, as is understood to be the current practice. Favorable consideration hereof is requested.

Applicants are also responding to the Notice of Omitted Items set forth in the Notice To File Missing Parts of Non-Provisional dated February 15, 2002. Specifically, the omission of Figures 8A-8D were indicated and applicants were given three options to choose from in the submission of a response. Applicants wish to present Figures 8A-8D as an Amendment hereto in replacement of Figure 8 presently on file, inas much as the content of the substitute figures is submitted to be merely cumulative with that of the discussion that appears in the description of Figures 8A-8D that can be found on Page 13, Line 21 - Page 14, Line 6 of the application as filed, and on Page 81, Line 1-5.

Applicants submit that a review of the description appearing at both locations just identified, would clearly inform the person skilled in the art as to the exact locations where the expression of VR-OAC has been observed to take place following the in situ hybridization analysis described in these passages.

Accordingly, the information appearing in the description of the content of Figures 8A-8D and at Page 81 of the specification are believed to be fully supportive of the broad range of activities of the factor that is disclosed and claimed herein, such that the visual depictions of the tissues in question, while serving to assist the artisan in the appreciation of the activity of the factor, are merely secondary and at most, cumulative to such an understanding and disclosure. For this reason, Applicants submit that the Amendment proposed and made herein does not enter new matter hereby, so that favorable consideration and entry of the herein proposed Amendment is believed to be in order.

The proposed drawing sheet for Figure 8A-8D has been prepared and is appended hereto for ease in consideration.